

# Notice of Allowability

## Application No.

09/989,328

## Examiner

Elizabeth C. Kemmerer, Ph.D.

## Applicant(s)

ASHKENAZI ET AL.

## Art Unit

1646

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after-final amendment of 11/2/04.
2. ☒ The allowed claim(s) is/are 124,129-131 and 135-142.
3. ☒ The drawings filed on 19 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Daphne Reddy on 02 December 2004.

The application has been amended as follows:

1-123. Canceled.

124. (Amended) An isolated nucleic acid comprising:

- (a) the nucleic acid sequence of SEQ ID NO: 206;
  - (b) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO: 206;
- or

- (c) the full-length coding sequence of the cDNA deposited under ATCC accession number 209951.

125-128. Canceled.

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129. (Previously presented) The isolated nucleic acid of Claim 124 comprising the nucleic acid sequence of SEQ ID NO: 206.

130. (Previously presented) The isolated nucleic acid of Claim 124 comprising the full-length coding sequence of the nucleic acid sequence of SEQ ID NO: 206.

131. (Previously presented) The isolated nucleic acid of Claim 124 comprising the full-length coding sequence of the cDNA deposited under the ATCC accession number 209951.

132-134. Canceled.

135. (Amended) A vector comprising the nucleic acid of Claim 124.

136. (Previously presented) The vector of claim 135, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.

137. (Previously presented) A host cell comprising the vector of Claim 135.

138. (Amended) The host cell of Claim 137, wherein said cell is a CHO cell, an *E. coli* cell or a yeast cell.

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139. (Amended) An isolated nucleic acid molecule consisting of a fragment of the nucleic acid sequence of SEQ ID NO: 206, or a complement thereof of at least 20 nucleotides in length that hybridizes under stringent conditions to:

- (a) the nucleic acid sequence of SEQ ID NO: 206 or the complement thereof;
- (b) the full-length coding sequence of the cDNA deposited under ATCC accession number 209951 or the complement thereof;

wherein, said stringent conditions use 50% formamide, 5X SSC, 50 mM sodium phosphate (pH 6.8), 0.1% SDS, and 10% dextran sulfate at 42°C, and washes at 42°C in 0.2X SSC, and 55°C in 50% formamide followed by a high-stringency wash at 55°C in 0.1X SSC, EDTA; wherein said isolated nucleic acid molecule is suitable for use as a PCR primer or probe.

140. (Previously presented) The isolated nucleic acid molecule of claim 139 that is at least 25 nucleotides or above in length.

141. (Previously presented) The isolated nucleic acid molecule of claim 139 that is at least 30 nucleotides or above in length.

142. (Previously presented) The isolated nucleic acid molecule of claim 139 that is at least 35 nucleotides or above in length.

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The following is an examiner's statement of reasons for allowance: the examiner's amendments were made to more clearly define the claimed subject matter. Applicant retains the right to pursue patent protection for broader claims in continuing applications.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth C. Kemmerer, Ph.D. whose telephone number is (571) 272-0874. The examiner can normally be reached on Monday through Thursday, 7:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, Ph.D. can be reached on (571) 272-0961. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Elizabeth C. Kemmerer*

ECK